

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re

DIANE PINE,

No. 08-11999


Debtor(s).

Memorandum re Eligibility

Pursuant to § 109(h)(1) of the Bankruptcy Code, a person is not eligible to be a debtor unless he or she completed credit counseling within 180 days before the filing. The only exceptions are contained in § 109(h)(4), among them being mental illness such that the debtor is “incapable of realizing and making rational decisions with respect to financial responsibilities.”

In this case, the debtor says that she is suffering from a bipolar disorder. She has no medical evidence that her disability makes her incapable of making rational decisions with respect to her financial responsibilities, nor any evidence of her condition at all beyond papers showing she was hospitalized in 1991. The debtor having failed to produce current evidence, and appearing to the court to be lucid and rational and capable of making rational decisions with respect to her financial responsibilities notwithstanding her condition, her application to be excused from the requirements of § 109(h)(1) must be denied.

Dated: October 3, 2008

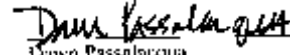


Alan Jaroslovsky
U.S. Bankruptcy Judge

CERTIFICATE OF MAILING

The undersigned deputy clerk of the United States Bankruptcy Court for the Northern District of California hereby certifies that a copy of the attached document was mailed to all parties listed below as required by the Bankruptcy Code and Rules of Bankruptcy Procedure.

Dated: Oct 3, 2008


Dawn Passalunghi
Deputy Clerk

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